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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* LAWRENCE WILCOCK, MICHAEL P. SPRATT,  
and ANDREW THOMAS

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Appeal 2008-1006  
Application 09/788,422  
Technology Center 2600

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Decided: July 1, 2008

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Before ROBERT E. NAPPI, SCOTT R. BOALICK, and  
CARLA M. KRIVAK, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 6 of the rejection of claims 1 through 11.

We reverse the Examiner's rejections of these claims.

INVENTION

The invention is directed to a method of retrieving photographs of geographic locations. The method allows the location of a camera to be recorded without capturing an image. This recorded location can then be

used to retrieve photographs of the location from a resource other than the camera. This method is useful in the situations where the user of the camera is unable to take a picture at the location (e.g., out of film, poor weather, etc.). See pages 18 and 19 of Appellants' Specification. Claim 1 is representative of the invention and is reproduced below:

1. A method comprising:

recording, in association with taking a first image recording with a camera, first data indicative of a geographic location of said camera;

recording, in response to an activation of said camera, and separately from taking an image recording using said camera, second data indicative of a geographic location of said camera; and

retrieving, from a resource separate from said camera, a second image recording concerning said geographic location indicated by said second data, wherein said second image recording was taken by a device other than said camera.

REFERENCES

Kuo	US 5,606,627	Feb. 25, 1997
Kuba	US 5,806,072	Sep. 8, 1998
Stuetzler	US 6,133,945	Oct. 17, 2000 (filed Feb. 19, 1997)
Bacus	US 6,272,235 B1	Aug. 7, 2001 (filed Feb. 27, 1998)

## REJECTIONS AT ISSUE

Claims 1 through 5, 7, 8, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuo in view of Stuetzler. The Examiner's rejection is on pages 3 through 5 of the Answer.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuo in view of Stuetzler and Kuba. The Examiner's rejection is on page 6 of the Answer.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuo in view of Stuetzler and Bacus. The Examiner's rejection is on pages 6 and 7 of the Answer.

Throughout the opinion, we make reference to the Brief (received December 22, 2006), Reply Brief (received June 25, 2007) and the Answer (mailed April 24, 2007) for the respective details thereof.

## ANALYSIS

Appellants argue, on pages 6 through 8 of the Brief, that the rejection of claims 1 through 5, 7, 8, and 11 is in error. Appellants argue that “the [claimed] method involves recording data indicative of a geographic location of a camera and retrieving an image recording concerning the geographic location (of the camera) indicated by the data.” Br. 6-7 (emphasis in original). Appellants argue that Kuo does not teach this limitation as Kuo associates images from a first camera with data of a first location and images from a second camera with data of a second location and is not concerned with retrieving an image from a second camera based upon a location of the first camera. Further, Appellants argue that Stuetzler can not cure the deficiency in the teachings of Kuo.

In response, on page 7 of the Answer, the Examiner states that Appellants do not claim the argued concept.

Appellants' arguments have persuaded us of error in the Examiner's rejection of independent claims 1 and 11. Independent claim 1 recites recording first data indicative of a geographic location of a camera, in association with a first image recording and recording second data indicative of a geographic location of the camera, the second data being recorded separate from recording an image. Claim 1 further recites retrieving from a resource separate from the camera, a second image concerning the second geographic location. Independent claim 11 similarly recites using a camera to record data indicative of the geographic location of the camera separate from taking an image and retrieving, based upon the location data from a resource other than the camera, an image of the location. Thus, the scope of claims 1 and 11 includes recording data indicative of a geographic location of the camera, which was obtained separately from taking an image recording, and using the data to retrieve an image of the location.

On pages 4 and 5 of the Answer, the Examiner finds that Kuo teaches recording geographic locations of two camera stations and that this meets the claimed first and second data. We note however that for both camera stations, the geographic location data is associated with an image and as such is associated with an image recording. Col. 7, ll. 29-34. The Examiner has not identified a teaching or suggestion in Kuo or Stuetzler where data indicating a geographic location is obtained by a camera, separate from taking an image recording, and used to retrieve an image from a resource separate from the camera. Thus, we do not find that the Examiner has shown that the combination of the references teaches all of the claimed

features and we will not sustain the Examiner's rejection of independent claims 1 and 11. Similarly, we will not sustain the Examiner's rejection of dependent claims 2 through 5, 7, and 8.

Claims 6, 9, and 10 are all ultimately dependent upon claim 1. The Examiner has not found, nor do we find, that the additional teachings of Kuba or Bacus, which the Examiner relied upon in the rejections of these claims, cure the deficiencies noted in the rejection of claim 1. Accordingly, we will not sustain the Examiner's rejections of claims 6, 9, and 10 for the reasons discussed with respect to claim 1.

#### ORDER

In summary we will not sustain the Examiner's rejections of claims 1 through 11 under 35 U.S.C. § 103(a).

The decision of the Examiner is reversed.

Appeal 2008-1006  
Application 09/788,422

REVERSED

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